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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,723

12/07/2005

Tatsuro Kawamura

2005-1824A

5241

52349 7590 01/19/2010  
WENDEROTH, LIND & PONACK L.L.P.  
1030 15th Street, N.W.  
Suite 400 East  
Washington, DC 20005-1503

EXAMINER

RAJAN, KAI

ART UNIT

PAPER NUMBER

3769

MAIL DATE

DELIVERY MODE

01/19/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,723	<b>Applicant(s)</b> KAWAMURA ET AL.	
	<b>Examiner</b> Kai Rajan	<b>Art Unit</b> 3769	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11, 12, 15-25, 27, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 12, 15-25, 27, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/6/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3769

### **DETAILED ACTION**

The Examiner acknowledges the reply filed August 6, 2009. Furthermore, the case has been transferred to Examiner Kai Rajan for further prosecution.

#### ***Response to Arguments***

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 7, 11, 12, 19 – 25, 27 and 29 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alyfuku et al. U.S. Patent No. 5,410,471 in view of Brown et al. U.S. PGPub No. 2003/0163351 A1.**

Alyfuku et al. disclose a networked health care and monitoring system that comprises a number of different monitoring devices and sensors (measurement devices) disposed in patients'

Art Unit: 3769

households. Among the devices are body temperature sensors built into beds (Alyfuku et al. column 8 lines 15 – 19, column 11 lines 14 – 23, bed 13).

Data collected by the measuring devices in the home are transmitted via modem (sending device) connected to telephone lines to host computers of professional medical institutions or computerized monitoring centers connected to the network (server with receiving device), which receives and stores data from a plurality of home monitored patients, which processes data in conjunction with medical professional advice to prevent and detect diseases or to monitor therapy (Alyfuku et al. column 1 lines 40 – 43, column 2 lines 12 – 36, column 3 lines 49 – 58, column 8 lines 52 – 57, column 10 lines 13 – 22, column 28 lines 1 – 18, modem 68 and central host computer 67, data stored in IC card 220). The home monitoring devices transmit the temperature and other physiological data, measurement date and time, patient ID numbers to identify the corresponding patient, and appliance IDs to identify the corresponding appliance used, which indicates the location of the measuring device (i.e. toilet in the bathroom, bed in the bedroom, which comprises information indicating a position of a respective measurement instrument) (Alyfuku et al. column 2 lines 37 – 65, column 20 lines 39 - 67, column 33 lines 35 – 55).

Alyfuku et al. disclose collecting and analyzing data from a plurality of patients to determine trends in data (i.e. the development or onset of diseases). Alyfuku et al. fail to disclose calculating averages of the data, and outputting a visualization of the data in the form of a map with a geographical distribution of data averages displayed in different levels of shading. However, Brown et al. a reference in an analogous art of physiological monitoring and collection of population data disclose a mapping engine that performs a statistical analysis including

Art Unit: 3769

calculating averages of information received from a plurality of patients, and creates a map showing the geographic distribution of public health data in varying shades of gray, where the map is continuously updated as new data is received (Brown et al. paragraphs 0133 – 0135, 0154 – 0157). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Alyfuku et al. with the geographical distribution maps of Brown et al., since both systems are for the monitoring of trends in health of a multitude of patients by a centralized monitoring system and medical professionals, and Brown et al. teaches maps and visualizations of data as helpful for helping medical professionals detect the onset of widespread diseases and monitor public health (Brown et al. paragraphs 0011, 0135)

**Claims 15 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alyfuku et al. U.S. Patent No. 5,410,471 in view of Brown et al. U.S. PGPub No. 2003/0163351 A1 as applied to claim 1 above, and further in view of Padron et al. U.S. PGPub No. 2003/0135394.**

Regarding claims 15 – 18, Alyfuku et al. and Brown et al. disclose collecting and transmitting physiological data to a central monitoring center for detection and prevention of diseases (Alyfuku et al. column 1 lines 40 – 43, column 2 lines 12 – 36). Alyfuku et al. and Brown et al. fail to disclose calculating costs and incentives such as discounts for patients. However, Padron et al. a reference in an analogous art of physiological monitoring and disease prevention teach providing motivational incentives to patients. Once a treatment or measurement regimen is established for ambulatory patients, measurement and progress data is

Art Unit: 3769

monitored (Padron et al. paragraphs 0021 – 0024). Compliance is awarded with “credits” (points) that are redeemed for financial or equitable rewards once certain numbers of credits are obtained (Padron et al. paragraphs 0027 – 0029). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Alyfuku et al. and Brown et al. with the credits and rewards system of Padron et al., since Padron et al. teach motivating incentives help to facilitate compliance with assigned treatment regimens (Padron et al. paragraphs 0003 – 0008), which is important for regimens for reaching goals and preventing disease, such as that of Alyfuku et al. and Brown et al.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3769

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kai Rajan whose telephone number is (571)272-3077. The examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Johnson can be reached on 571-272-4768. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kai Rajan/  
Examiner, Art Unit 3769

/Henry M. Johnson, III/  
Supervisory Patent Examiner, Art Unit  
3769

January 14, 2010